

Semiannual Report
MALAWI: STRENGTHENING PARLIAMENT AND CIVIL SOCIETY
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I. SUMMARY

During this period, the National Democratic Institute for International Affairs (NDI) continued its programs to strengthen Parliament and enhance public participation in the public policy process in Malawi.

As a result of NDI's efforts, parliamentary committees again increased levels of activity, including oversight of government ministries and solicitation of input from civil society. NDI continued to help committees develop work plans, and provided additional training on committee support for clerks and other parliamentary staff. NDI is currently providing technical assistance to committees that are lobbying ministries on issues brought to their attention by civic interest groups.

Civic interest groups for whom NDI provides technical support intensified advocacy directed to parliamentary committees and government ministries. NDI provided technical assistance to civic networks as they completed research, analysis, education, and mobilization of supporters for advocacy campaigns on issues related to agriculture, small businesses, education, environment, health, good governance, and human rights. NDI is now helping the networks with presentations to committees and ministries.

NDI continued to advise nongovernmental organizations (NGOs) on training trainers to conduct civic education, voter education, and election monitoring, in preparation for local government elections. Activities and analyses that facilitate empowerment of women and address gender equity continued as crosscutting components of all NDI programs.

NDI is currently focusing on its partners' interests in ensuring accountability in the use of public resources, government compliance with the rule of law, development of Parliament as the principal balance to the power of the executive, and institutionalization of civic advocacy networks. NDI has conducted extensive dialogue with the Speaker and Clerk, committee chairs and vice chairs, civic leaders, technical advisors, and others, to lay the groundwork for continued participation in the Institute's program.

NDI received a six-month, no-cost extension for this grant through March 2001. Proposals for joint funding for the coming two years were submitted to USAID, DFID, and DANIDA.

II. BACKGROUND

Several factors bode well for consolidation of democracy in Malawi. The Constitution provides a democratic framework for governance. Elections in June 1999 retained strong representation in Parliament by two opposition parties, and a relatively narrow majority held by the ruling party. There has been some political violence (most recently in parliamentary by-elections) and considerable political intolerance, but the country remains relatively stable, even though it is at the

low end of all economic development indices, and has one of the highest incidences of HIV/AIDS. Moreover, there is a growing realization that government and Parliament must collaborate to engage civil society in efforts to alleviate poverty and spur economic development.

Several months ago the Director of Public Prosecutions announced that one-third of the government's revenues are lost to fraud and corruption. Donors and others have been highly critical of inefficiency and waste in government. The new Minister of Finance raised expectations with respect to the government's intent to enforce fiscal discipline during the *coming* year, and to engage Parliament and civil society in meaningful consultation on the budget and poverty reduction strategy. Since then, investigation by the Public Accounts Committee of reports on *previous* years by the Auditor and Accountant General has confirmed widespread fraud, corruption, and mismanagement.

Calls from the press for stronger intervention by Parliament on a broad range of national issues reflect a new mood in the country. Even newspapers typically aligned with government are pushing for stronger action by Parliament. Among other things, Parliament is being challenged to put teeth into initiatives to control government spending, to legislate penalties for failure of senior public officials to declare assets (as required by the Constitution), and to review and debate reports to Parliament from accountability agencies. Parliament is responding to these calls, and making greater use of committees to handle these issues.

Efforts to expose and curb corruption have increased, and media attention to corruption and governmental improprieties has intensified. The Legal Affairs Committee has taken proactive stands to support accountability agencies such as the Anti-Corruption Bureau (ACB) and the Ombudsman, and to warn against prospective government interference with their work.

Controlling government spending, rooting out corruption, achieving tangible improvements in the economy, and generating real progress in poverty alleviation, have become high profile political issues. However, appropriate relationships between ruling and opposition parties, and among government, Parliament, accountability agencies, and civil society, have not yet been adequately developed. Neither Parliament, nor other institutions intended to provide checks and balances, have yet held the executive branch of government accountable for its performance.

Despite thoughtful debate on two important bills passed in the past six months (the employment bill and the proposed budget), in general, the quality of debate in plenary sessions of Parliament, and the behavior of MPs in the Chamber, was less than satisfactory. Many commentators, including MPs from both ruling and opposition parties, publicly took MPs and the House to task for name-calling and heckling, failing to consider issues objectively, promoting regionalism, and generally wasting precious time and money.

NDI has been addressing these problems by facilitating engagement between, and among, committees of Parliament, government ministries, and civic interest groups, and by providing technical assistance for institutional development of Parliament and of civic advocacy networks. NDI's principal program for Parliament focuses on committees as venues for building relationships between parties, and among MPs, government officials, accountability agencies, and civil society. NDI's principal program for civil society focuses on informed, constructive advocacy by civic

organizations, initially directed to MPs and committees of Parliament, and then, with support from committees, to government ministries.

III. PROGRAM ACTIVITIES

Program activities conducted during the reporting period were designed to achieve the objectives set forth in NDI's program proposal, which are listed below. In some cases activities were revised to reflect priorities that have emerged since the national elections in 1999.

Objective #1: To increase Parliament's capacity to function as an independent and representative body by working with its committees, clerks, and Members of Parliament

Committees of Parliament

NDI helped the Speaker and Clerk heighten awareness within Parliament and government of the role committees must play in helping Parliament carry out its constitutional mandates. NDI also used its advocacy training program for civic organizations to increase public awareness of committees as forums for inputs on government policy and programs.

NDI persuaded Parliament to hold a press conference (the first of its kind) to highlight committee activities. Chairs and/or vice chairs of eleven committees participated. An article in the *Daily Times*, the second daily newspaper, quoted the Speaker saying, "National Democratic Institute has been instrumental in helping Parliamentary Committees become effective and vibrant."

At NDI's behest, the Budget and Finance Committee engaged an economist to provide expert analysis for the Committee in preparation for parliamentary debate during July on the proposed budget for 2000/2001. The consultant briefed the Committee on past budgets, and did an analysis of the proposed budget. NDI funded the consultant, helped the Committee chair define terms of reference, and acted as *de facto* liaison between the Committee and the consultant (a role that should have been played by the Committee's secretary)

NDI Program Director Christine Owre facilitated a commitment by the chair of the Legal Affairs Committee to hold a meeting, and a preliminary commitment by a donor to fund a meeting, at which the Committee will take testimony from government and civic organizations on a controversial proposed amendment to the Local Government Act. The proposed bill would authorize the President to appoint chairpersons/mayors and vice-chairpersons/deputy mayors of district, town, municipal, and city assemblies. Under current law, local elected representatives are to elect a chairman and vice chairman from their ranks.

Program officers continued providing technical assistance for committee work plans, and recommended that committees delegate assignments to subcommittees which can meet at relatively low cost between sittings, and with relatively few conflicts during sittings.

Staff also facilitated interim reports to committee chairs and vice chairs by civic organizations on their advocacy and lobbying campaigns (see below), and prepared committees to receive

presentations from the civic organizations on their issues.

Other Assistance to Parliament

Other assistance was designed to help Parliament cope with the following problems:

- The number of professional staff available to support MPs has been doubled, but is still far from adequate. Most of the staff still need additional training, and the senior Clerk of Parliament needs assistance coordinating and integrating the work of the junior clerks as secretaries for committees. Library, research, and information technology facilities are still far below minimum standards, and documentation of parliamentary proceedings is incomplete and/or not available on a timely basis.
- Amendments to Standing Orders are needed to maximize the efficiency and productivity of parliamentary proceedings.
- Availability of funds from the Treasury and from donors to finance committee meetings has been sporadic, and funding from donors has often been based on *their* priorities, rather than on Parliament's priorities. As a result, most committees have had difficulty meeting frequently and predictably, and have been unable to maintain momentum on their work plans.
- Parliament does not have a comprehensive development plan that could be used to systematically to raise funds for development and assess performance against targets.
- At the beginning of this reporting period, Parliament had not established strong working relationships with media professionals, and journalists' reports on Parliament were infrequent, and often inaccurate.

At the Clerk's request, Ms. Owre conducted a workshop for clerks, researchers, the librarian, one of the systems managers, and the Senior Hansard Editor. She urged the clerks and other staff to work *as a team* to support committees, and encouraged them to be more proactive in anticipating committees' needs and interests. The clerks and other staff were receptive to these ideas and developed a list of initial tasks that each would undertake on behalf of the team. Principal tasks included designing a system for coordinating scheduling of committee meetings, compiling clerks' suggestions for amendments to Standing Orders, obtaining and scanning budget documents and listing questions for a briefing for clerks on the budget, and designing a system for providing MPs with news clips relevant to their committees' activities.

NDI Program Officer Annie Longley analyzed the National Assembly's *Votes and Proceedings* prepared by clerks during the June/July sitting of Parliament. Records for some days were missing, and drafts varied in completeness from day to day. Not all significant parliamentary action could be tracked by reading the documents. This is particularly problematic because the *Hansard* is published infrequently; it has now been more than a year since the last issue was published. Annie submitted suggestions for improvements in the *Votes and Proceedings* to the Clerk of Parliament. The Clerk said the suggestions were most welcome and timely. Longley will follow up to see if recommendations are followed during the next sitting of Parliament.

Longley also drafted suggestions for changes in House procedures and submitted them to the Speaker's personal assistant. She suggested reforms regarding question time, ministerial statements,

length of service of committee members, and putting minutes from committee meetings in the public record. The Speaker's personal assistant has since resigned from this position. Longley will give the suggestions to the Parliamentary Procedures Committee for consideration, and follow up to determine whether they are incorporated in Committee recommendations for changes to Standing Orders.

Program officers persuaded donors and committee chairs, vice chairs, and secretaries to constitute donor-funded workshops held to sensitize committees on various issues as official committee meetings, with opportunities afforded for committees to conduct other official committee business.

Christine Owre and other staff consulted with a team of international experts funded by UNDP to assess Parliament's needs. NDI gave the team its assessment (done in late 1999 with input from the Speaker and Clerk), an outline of the Institute's proposed program for the coming two years that addresses these needs, and recommendations on changes to parliamentary procedures originated by MPs and the Clerk of Parliament at past NDI workshops. Staff were assured that the team concurs with NDI's position that Parliament needs a comprehensive development plan. NDI will provide technical assistance to help Parliament complete the plan when the UNDP assessment report is received.

In conjunction with the Thompson Foundation and the British Council, Ms. Longley conducted a two-week seminar for journalists covering Parliament. She provided training covering an introduction to Parliament, parliamentary procedures, parliamentary reports and other documents, the legislative process, committees, and the respective responsibilities of MPs, the executive branch of government, the civil service and the parliamentary service. She also prepared and presented materials on how laws are made (a question and answer guide), legislation initiated by government, a constituent's guide to contacting MPs by phone and post, the structure of the daily Order Paper, and a flow chart on movement of a bill through Parliament.

Objective #2: To increase the capacity of NGOs to engage citizens in political processes through civic and voter education programs

Advocacy Program for Civic Organizations

The principal focus of NDI's program for civil society during this period was training and technical assistance for constructive non-confrontational advocacy on a range of public policies and legislative issues. Civic education is an integral part of the advocacy process.

Program officers provided one-on-one technical assistance and group consultations for civic organizations conducting advocacy campaigns in five sectors, i.e., agriculture, education, environment, health, and small business. Staff helped civic organizations develop questionnaires relating to the issue, problem, and recommended solution selected by each sector as the topic for advocacy, and lists of contacts for research and mobilization of supporters. NDI then monitored completion of research tasks and mobilization of supporters, and provided technical assistance for analysis of research findings and development of presentations to the relevant committee(s) of Parliament.

NDI facilitated inclusion of presentations from the civic organizations on agendas for meetings of the Commerce, Industry, and Tourism and the Health and Population Committees, and helped the Centre for Human Rights and Rehabilitation (CHRR) obtain a grant from the US Democracy and Human Rights Fund to finance meetings of the Agriculture, Education, and Environment Committees for this purpose. At these meetings, the civic advocacy networks presented (or will present) findings and recommendations to the committees. Meetings of the Agriculture, Education, and Environment Committees are scheduled for October.

Human Rights Commission

NDI Program Officer Adrian Muunga is serving on the Commission's Committee on Civil and Political Rights. He collaborated with six Malawian NGOs and one international NGO on strategic planning for the Commission, developing recommendations for improving interactions with NGOs to promote and protect human rights. The Commission has indicated that it hopes to receive technical assistance from NDI for the civic education department, yet to be formed.

Other Civic Education Initiatives

Ms. Owre advised police officials on training materials to be used by the police for conducting civic education for police on decentralization and local government.

Mr. Muunga helped the Catholic Commission for Justice and Peace (CCJP) plan a week-long workshop to train twenty-four trainers from the six Catholic dioceses in Malawi to conduct civic education, and participated in training at the workshop. After spending two days on content and methodology, prospective trainers prepared and presented lessons on themes covered in the CCJP civic education manual. CCJP expects to use this core group of trainers to conduct sensitization workshops for clergy and lay church leaders nationwide.

Muunga also participated in critiquing a draft report on the current state of democracy in Malawi completed by professors from Chancellor College of the University of Malawi and the University of Leeds in the UK. Principal findings included evidence that accountability agencies need additional protection from interference by politicians; the Human Rights Commission is still dysfunctional and toothless; police have failed to gain public confidence in their ability to curb crime and are subject to political interference; government is not accountable because channels for demanding accountability are weak; and the army is doing a good, professional job, subject to civilian control. The final report will be used to inform local interest groups and donors, and to facilitate effective intervention in strengthening democracy in Malawi.

Objective #3: To encourage citizen participation in the electoral process and promote free and fair elections through election monitoring

Decentralization and Local Government

Adrian Muunga provided technical assistance on lobbying tactics to a group of NGOs who are opposing the proposed amendment to the Local Government Act that would authorize the President to appoint chairpersons/mayors and vice-chairpersons/deputy mayors of local assemblies. Planned interventions include media statements (in the press, and on radio and TV) listing opponents to the amendment, radio and TV discussion and call-in programs, and a workshop for key MPs from all parties. All activities are scheduled to take place before Parliament's next sitting.

Local government elections are scheduled for November 21, 2000. NDI's work plan for this grant did not include training and technical assistance to NGOs engaged in voter education and election monitoring for these elections. However, Mr. Muunga continued to serve on the Donor/NGO Civic Education Task Force that is handling liaison among NGOs, donors, and the Electoral Commission on NGO participation in the local government electoral process. NDI took the lead in outlining a procedure for monitoring NGO compliance with the approved code of conduct, and on a system for compiling information on NGO civic and voter education activities countrywide. The system will ensure self-regulation by NGOs, and help them identify and fill gaps where civic education and voter education are needed.

At the request of the Electoral Commission, Muunga facilitated a two-day workshop to orient accredited NGOs for civic and voter education in preparation for local government elections. This was the first meeting of the Commission with NGOs accredited to conduct voter education. Participants agreed on messages and materials to be produced, and assigned areas of specialization. Adrian also advised the NGOs on challenges for effective voter education and election monitoring based on experience during the elections in 1999.

Objective #4: To enhance women's participation in the nation's political life through programs for women voters, candidates, and officials

Empowering women and increasing their participation in civic and political affairs continued to be a crosscutting feature of NDI's programs. Program officers consulted with government officials and civic activists on gender-related issues, including amendment of the Wills and Inheritance Act, and civic education and legislation to combat violence against women. Staff were updated on the status of work in progress by these groups in preparation for providing technical assistance on these issues to the Women's Parliamentary Caucus and Parliament's Committee on Women and Children's Affairs.

Women's Parliamentary Caucus

Program Officers Diane Tausner and Annie Longley helped a subcommittee of the Caucus develop a strategy for trying to overcome partisan (and intra-party) conflicts that have paralyzed the Caucus, and prevented progress in implementing the Caucus' work plan. One bone of contention is the fact

that none of the officers are from the Malawi Congress Party. NDI recommended that the subcommittee ask the Caucus to hold new elections for officers, and follow the lead of parliamentary committees in selecting chair and vice chair from different parties. Christine Owre offered to have NDI engage a conflict resolution expert to assist the Caucus in addressing issues of concern and reaching consensus on a way forward. Thus far the Caucus has not accepted the offer. A closed meeting of the Caucus was held during the June sitting of Parliament, but the issues in question were not resolved.

Operating on the premise that disputes might be overcome by action, Ms. Tausner continued to seek donor funding for the Caucus for a series of regional workshops with primarily rural women. At these workshops women MPs would provide civic education on decentralization and encourage women to be more active in local civic and political affairs. The effort to secure funding is still in progress.

Committee on Women and Children's Affairs

NDI worked with UNICEF to organize a one-day meeting for the Committee with stakeholders from civil society. The meeting was intended to coincide with the Day of African Child on June 16. NDI's Tausner prepared the list of invitees, developed the budget and draft agenda, made logistical arrangements for participants, and secured the services of a facilitator. Unfortunately, the meeting was postponed and has not yet been rescheduled.

Development Assistance Group on Gender (DAGG)

Ms. Tausner is a member of this group of donors, government officials, and NGOs that meets monthly to share information and undertake joint action on gender-related issues. She served on a three-person task force that recommended revisions to DAGG's terms of reference and work plan that will focus joint efforts on fewer, but more strategic, interventions, and on establishing a small grants fund for gender-related initiatives. DAGG intends to implement the recommendations. Tausner is also participating in planning a program for "Sixteen Days of Activism on Violence Against Women" to be launched in late November. She drafted the brochure for the campaign, and secured commitment to include the chairs and vice chairs of the Women's Caucus and the Women and Children's Affairs Committee in the events planned for the campaign.

IV. EVALUATION AND RESULTS

Results achieved by NDI's partners as a result of the Institute's assistance are highlighted below. Some results are attributable directly to activities undertaken by NDI during this period. Others are attributable to NDI's work with partners over a longer period of time.

Objective #1: To increase Parliament's capacity to function as an independent and representative body by working with its committees, clerks, and Members of Parliament (USAID IR5.2)

Committees of Parliament

During this reporting period, the level of committee activity was again quite impressive.

- Eleven (11) committees met at least once: Agriculture and Irrigation (one meeting); Budget and Finance (four meetings); Commerce, Industry, and Tourism (three meetings); Defence and Security (three meetings); Environment (two meetings); Health and Population (one meeting); Legal Affairs (one meeting); Mass Media (one meeting); Public Accounts (numerous meetings of many days duration, over a period of months); Public Appointments (four meetings); and the Women's Parliamentary Caucus (six meetings).
- One (1) new committee adopted terms of reference: Environment. (During the last reporting period, NDI brought the need for a committee to deal with environmental issues to the attention of the Speaker, in response to identification of this need by the Deputy Minister of Natural Resources.)
- One (1) committee amended its work plan to include new areas of emphasis for the coming year (oversight of the budget and poverty reduction strategy, oversight of accountable expenditure of public resources and compliance with the rule of law): Health and Population.
- Six (6) committees requested and received briefings from ministries: Budget and Finance; Commerce, Industry, and Tourism; Defense and Security; Environment; Health and Population; and Public Accounts.
- One (1) committee convinced the Ministry of Finance to increase the budget to be proposed for an activity of particular interest to the committee: Defence and Security (community policing).
- One (1) committee consulted with MPs from a similar committee in another legislature in the Southern African region: Defence and Security (Zambia).
- Six (6) committees consulted with civic organizations: Agriculture and Irrigation; Budget and Finance; Commerce, Industry and Tourism; Education, Sports and Culture; Environment; and Health and Population.
- ✓ The Commerce, Industry and Tourism Committee is working with a task force of civic organizations who represent private sector interests, in an effort to open channels of communication between civil society and the Executive. At a meeting of the Committee in June, the Deputy Minister encouraged the Committee to be more active, and asked for comments from Committee members on the report of the Malawi Export Promotion Council. The Deputy Minister also said the Committee could assist the Ministry and civil society by highlighting issues requiring enactment of legislation, and initiating Private Member Bills.

- ✓ NDI is providing technical support for development of similar engagement among the Committees on Agriculture, Education, Environment, Health, and Women and Children's Affairs, the ministries for which the Committees provide oversight, and advocacy networks of civic groups with interest and expertise in these sectors. NDI is recommending that these Committees follow the lead of the Commerce Committee in designating subcommittees or small task forces to pursue specific issues and report back to the full Committees.
- Four (4) committees were asked to send representatives to national and/or international forums on issues of interest to them and to the ministries for which they have oversight: Defence and Security, Health and Population, Budget and Finance, and Public Accounts.
- Eleven (11) committees were represented by the chair and/or the vice chair at an unprecedented press conference held to explain and publicize the role of committees: Agriculture and Irrigation; Budget and Finance; Conditions of Service; Education, Sports and Culture; Defence and Security; Health and Population; Legal Affairs; Mass Media; Public Accounts; Transport and Public Works; and Women and Children's Affairs. Each chair or vice chair explained the committee's membership and terms of reference. Several outlined committee work to date.
- Highlights of work by the Budget and Finance Committee are as follows:
 - ✓ The Budget and Finance Committee met twice with the Minister of Finance. This was the first time a minister had responded to the Committee. The Minister was later called to the House to explain the delay in presenting the budget.
 - ✓ Despite NDI's best efforts, the Committee received, but did not meet as a whole to consider, the report by the economist who prepared analyses of past and proposed budgets for the Committee, nor did the Committee make a written report to Parliament on the budget. However, the executive summary of the report was circulated to all MPs, and to the Minister of Finance. The chair of the Committee referred extensively to the consultant's report during his comments on the budget. As a practical matter, the Minister received the chair's comments as input from the Committee.
 - ✓ The Minister acknowledged the role of the Committee during his opening speech on the budget, and urged all ministries to consult with the Committee. Later during debate he commended the Committee for their excellent report and asked them to continue monitoring expenditures by all ministries. The chair of the Committee pledged frequent Committee input as this budget is implemented, and the process of developing next year's budget is begun. The Minister called for amendments to the Finance and Audit Act to strengthen the powers of committees of Parliament to oversee planning and implementation of the budget.
- Highlights of the work of the Public Accounts Committee are as follows:
 - ✓ In a bid to assert Parliament's power, the Public Accounts Committee began to investigate instances of abuse of public funds. The investigation was conducted with the blessing of the

President and Minister of Finance, and with assistance from the Auditor General and Accountant General. The Committee met on a weekly basis for several months, and then continuously for a period of approximately six weeks. Treasury funded the meetings. The Committee uncovered massive fraud, corruption, and theft amounting to hundreds of millions of kwachas. More than MK 125 million was stolen from the Ministry of Education alone. The Committee is also alleging corruption in the Ministries of Finance, Lands, Transport and Public Works, Health, and Foreign Affairs. Press reports attributed to Committee members say some ministers, several high ranking UDF functionaries and MPs, two MCP MPs (former civil servants), as well as dozens of lower-level civil servants and contractors, are under investigation or already implicated.

- ✓ Some of these same dealings were already under investigation by the Anti-Corruption Bureau (ACB) and/or the Director of Public Prosecutions. As a result of Committee investigations, many additional incidents and individuals are now under investigation by these agencies. One principal secretary and at least seven other suspects have been arrested.
- ✓ The Committee will submit its written report to Parliament at its next sitting. The President has pledged to support bringing to justice all involved, regardless of rank. (Despite the pledge, there have been some press reports alleging that the President himself knew of massive corruption conceived to generate funds for the UDF campaign in 1999. Donors and others have decried the delay between reports of corruption at high levels and action against suspects.)
- The Legal Affairs Committee gained recognition as the champion of accountability agencies (Anti-Corruption Bureau and Ombudsman) whose positions the Committee supported when these agencies were challenged by actual or potential interference from government officials. The Committee also asserted its power to conduct oversight of accountability agencies.
- ✓ The Committee called the Director of Public Prosecutions (DPP) to testify regarding a complaint from the Anti-Corruption Bureau (ACB) about the DPP's decision not to prosecute seven customs officials. The DPP and the ACB are both accountable to the National Assembly. The Committee ultimately overruled the DPP, allowing the ACB to proceed with prosecution.
- ✓ The Committee took the Inspector General of Police to task for directing police not to respond to the Ombudsman without permission of their superiors. After receiving assurances that the matter would be straightened out between the Inspector General and the Minister of Home Affairs, the Committee dropped its plans to call the Inspector General to testify. The Inspector General subsequently announced that police are free to respond to the Ombudsman without prior approval.
- ✓ The chair of the Committee expressed to NDI his interest in pursuing amendments to the Corrupt Practices Act and the Finance and Audit Act, in order to strengthen the powers of the Committee in these areas.

- The newly formed Committee on Declaration of Assets will recommend punitive measures for those not declaring, including the withdrawal of privileges and non-recognition by the Speaker in the Chamber. The Speaker asked the Committee to consider engaging an independent auditor to examine MPs' declarations, and to bring in the Anti-Corruption Bureau and Ombudsman as needed. The Speaker also said he wants the public to have access to all MPs' declarations.

The good news is that Parliament and others have realized the importance of strong, active committees. The bad news is that many committees are still meeting on very short notice to members, without an official schedule, with no public notice, and without materials provided in advance to brief members on issues to be addressed at meetings. In addition, problems persist, such as failure to obtain quorums because of overlapping membership among committees, and double booking of committee rooms.

Other Aspects of Parliamentary Performance

A proactive secretariat team to support committee work is essential.

- Toward the end of this reporting period, the Clerk finally agreed to NDI's often repeated suggestion that responsibility for preparing a master schedule of meetings, booking committee rooms, etc., be delegated to one person. He also agreed that committee support by secretaries has been inadequate, and agreed to give one clerk responsibility for coordinating committee support by the team of parliamentary staff.

As reported above under program activities, parliamentary staff, with technical assistance from Christine Owre, developed a schedule of assignments that each staff member would undertake on behalf of the team. Unfortunately, clerks were diverted from following through because several are still working from the old Parliament offices in Zomba, several were called upon to cover extended meetings of the Public Accounts and Public Appointments Committees, and several made trips abroad for conferences and other events. General disorganization, and failure to require accountability for commitments to the team, were also contributing factors. NDI will deal with these constraints in framing conditions for continued technical and financial assistance for professional development of staff.

A higher public profile for Parliament is critical for increasing governmental and private understanding of parliamentary powers and responsibilities, and for maintaining the political will to put teeth into parliamentary oversight.

- The seminar for journalists (reported above under program activities) resulted in formation of a parliamentary press corps, with three rooms overlooking the Chamber set aside for a press gallery. Journalists stated their intention to monitor journalistic ethics and the accuracy of reports on Parliament, and drew up rules for disciplining network members. Press coverage of Parliament has improved notably since the seminar, both in extent and accuracy.

The Clerk of Parliament told NDI that he did not know what he would do without the Institute's help. He thanked NDI for materials prepared for the journalists' seminar. The Clerk distributed

copies of the materials to all clerks, and placed a copy on the clerks' table in the Chamber.

The quality and effectiveness of debate in the Chamber is also very important

- The budget was passed without amendment, but after extensive, and generally thoughtful and informative debate. For the first time ministers were asked to respond directly to questions on the budgets for their ministries.
- An important bill establishing guidelines for setting and granting bail was not referred to a committee (as NDI had hoped it would be) but was extensively and responsibly debated in the Chamber before passage.
- On the next to last day of the last sitting, government gazetted a bill to amend the Local Government Act, empowering the President to appoint chairpersons/mayors and vice-chairpersons/deputy mayors of district, town, municipal and city assemblies. Under current law, local elected representatives are to elect a chairman and vice chairman from their ranks. This controversial bill did not come up for consideration, because opposition MPs filibustered, prolonging the debate on a relatively inconsequential pesticide bill (more than seven hours on a one-page bill!) until Parliament was adjourned. Without the filibuster, the UDF majority in the House would almost certainly have been able to waive the 21-day rule and pass the bill.

Despite these notable incidents of responsible and effective use of debate in plenary, the overall behavior of MPs, particularly backbenchers, and the number of MPs who make constructive contributions still leave much to be desired. NDI has conducted numerous workshops during the past six years that resulted in recommendations for changes to Standing Orders that would increase Parliament's productivity and the impact of its deliberations. The Parliamentary Procedures Committee is now considering amendments to Standing Orders, to be recommended to the House at its next sitting. These amendments will, hopefully, result in more time spent on committee work during sittings, and less time devoted to endless questions and motions on issues of local concern, but little national impact.

In all, 12 bills were gazetted for potential consideration by Parliament during this reporting period, the most significant being the budget and the bill establishing guidelines for bail. Six bills were passed (three budget bills, one bill on fertilizer, one on judicial administration, and one on bail guidelines). One bill was withdrawn with no reason given, while another was cancelled because some of its provisions duplicated provisions in the bail guidelines bill, and others contradicted recommendations from the Law Commission's report on bail guidelines. Deference to the Law Commission's recommendations was an encouraging development.

As this report is being written, NDI is still trying to determine the stage of consideration by Parliament for the remaining four bills, a symptom of Parliament's failure to provide timely access to written documentation of proceedings. Parliament received a modern printing press from a donor and is moving its printing operations from Zomba to Lilongwe. This should facilitate more timely publication of reports in the future.

Objective #2: To increase the capacity of NGOs to engage citizens in political processes through civic and voter education programs (USAID IR5.1)

Civic Organizations - Advocacy Campaigns

As explained above under program activities, NDI's pilot program of training and technical assistance for constructive advocacy and lobbying campaigns *began* to yield fruit during this reporting period. Civic organizations in the commerce and industry and the health sectors completed research and mobilization of supporters for their recommendations, and made presentations to the relevant committees of Parliament and ministry officials. In the agriculture and education sectors, civic groups completed research and mobilization, and presented summaries and analyses of research findings to the chairs and vice chairs of the relevant committees. Both networks will present recommendations to the full committees and ministry officials in October.

- *Agriculture* – The organizations in this network are advocating for better coordination of, and broader participation in, the Ministry of Agriculture's initiative to promote the use of organic fertilizer. The organizations supported by NDI obtained information and mobilized support from 40 organizations, public and private. At the meeting in October, the network will ask both the Agriculture and Irrigation Committee and the Environment Committee to support the formation of a Task Force made up of representatives from civil society, Parliament, the Ministry of Agriculture, and the Department of Environmental Affairs, to develop and implement a grassroots campaign to promote the use of organic fertilizer.
- *Commerce and Industry* – A volunteer from the National Association of Small and Medium Enterprises (NASME) conducted structured interviews and focus groups with more than 200 small business representatives to determine the principal constraints to start-up and sustainability of small businesses. He began his research assuming that a lack of premises in which to conduct business was the principal problem. He concluded that a lack of information about sources of technical assistance and credit was by far the most serious problem.

At a meeting of the Commerce and Industry Committee in June, one of the Committee members presented the NASME report. This MP had attended NDI's advocacy workshop in February for civic organizations and committee chairs and vice chairs. As a result of NASME's advocacy and support from the Committee, the Ministry's Director of Small and Medium Enterprises agreed to meet with NASME to determine how civil society can help the Ministry ensure that information about credit and other types of assistance reaches prospective small businesses at the grassroots. The Ministry is now considering compiling a user-friendly directory or database of loans, loan conditions, and other services available throughout the country from NGOs and government sources. This information will be distributed with the assistance of NASME and other civic interest groups.

- *Education* – The education network completed its research and mobilization of supporters for its recommendation that the Ministry of Education recruit local secondary school graduates for on-the-job training as rural teachers, and establish a task force of Ministry officials, Committee MPs, and civic groups to develop a plan for engaging local stakeholders in identifying suitable

local candidates for the on-the-job teacher training program. The group plans to present to the Committee on Education, Sports, and Culture, both its findings and recommendations, and the findings and recommendations of a broader coalition of civic organizations on funding for the training program.

- *Environment* – CSOs in the environmental advocacy network conducted research on their recommendation for combating deforestation, improving the quality of life for poor households, and facilitating income generation, through a coordinated grassroots campaign to promote use of wood-saving stoves, and other simple, environmentally friendly devices. They contacted government field office personnel, church groups, farmers’ organizations, civic education organizations, international and Malawian NGOs engaged in rural service delivery, traditional authorities, and other concerned citizens.

Unfortunately, the civic groups engaged in this advocacy campaign did not complete their work. Some members of the group completed all scheduled interviews, while others, including the putative coordinator, did not follow through on their commitments. NDI determined that the individual organizations were too stretched by other work to engage effectively in joint advocacy at a national level on a consistent basis. Most are focused on service delivery related to community-based natural resource management. Their networking tends to involve efforts to coordinate service delivery activities on the ground. As a result, this prospective network discontinued its advocacy campaign. Enriching the soil by adding organic fertilizer is, however, an environmental as well as an agricultural and food security issue. Several environmental civic organizations that received training in advocacy from NDI have been recruited as supporters for the agricultural network’s advocacy campaign.

- *Health* – Diane Tausner assisted the health network with analysis of its research data, and helped to plan its presentation to the Health and Population Committee, which was delivered in September. Unfortunately, no Ministry officials were able to attend the presentation, but the Committee agreed to the network’s suggestion that a task force be set up – comprising representatives of Government, Parliament, and civil society – to draft and disseminate a Charter of Patients’ Rights and Responsibilities. A meeting has been scheduled for late October for three MPs from the Committee, Ministry officials and network representatives.
- *Local Government* - More than 20 civic organizations have been mobilized and are implementing a lobbying campaign against the proposed amendment to the Local Government Act that would give the President power to overrule local councilors’ elections of mayors/chairs and deputy mayors/deputy chairs of local assemblies. The lobbying group will use the press and direct contact with Members of Parliament to press their opposition to the amendment.

Civic Organizations - Advocacy Networks

During the pilot phase of the sectoral advocacy program, NDI recruited civic organizations from each sector, and they identified the issues for joint advocacy and lobbying in each sector. NDI understood from the outset that these *ad hoc* networks would have difficulty sustaining joint activities without some secretariat support, principally to ensure systematic coordination and

collection of feedback from field contacts. NDI also understood that advocacy, spread too thin, would achieve little in the way of lasting results.

During the pilot phase, NDI provided some secretariat support to the *ad hoc* networks. NDI also identified other, parallel networks with similar interests, and encouraged and facilitated cooperation between the groups in NDI's advocacy program, and parallel networks. For the most part, the parallel networks already have some access to technical assistance and support. As NDI helps its partners complete current campaigns and plan for the coming year, NDI will determine the interests of current partners, and of parallel networks, in advocacy on the budget, the poverty reduction strategy, the rule of law and empowerment of women.

- The *ad hoc* education advocacy network has received support from, and is being subsumed into, the Civil Society Coalition for Quality Education, a larger network with technical support for advocacy from Oxfam.
- The putative coordinator of the *ad hoc* environmental advocacy network is the executive director of the Co-ordination Unit for Rehabilitation of the Environment (CURE). CURE is an umbrella NGO funded by USAID to coordinate activities by environmental civic groups, with technical support from Development Alternatives' COMPASS project. NDI has spoken with COMPASS and CURE regarding the possibility that they will function as the lead organizations in promoting constructive engagement with the Committee on Environment. CURE has already met with the Committee on Environment and is actively developing a working relationship with the Committee.
- Plans are underway for the *ad hoc* health advocacy network to join forces with the Malawi Health Equity Network, which is focusing on research, advocacy on legal issues, and policy regarding equity, quality assurance and access to care. The Health Equity Network is receiving technical assistance from the regional health consultant for the Presbyterian Church (USA), and is seeking funding for secretariat support from various foundations, the World Health Organization, etc. The technical consultant participated in the presentation by the *ad hoc* network to the Health Committee of Parliament.
- The *ad hoc* agricultural advocacy network recruited members of CURE's network to support its campaign. Several members of the *ad hoc* network also participate in CURE's activities and are members of a longer-standing group of NGOs known as the Food Security Network. The *ad hoc* network will meet after its presentation to the Agriculture and Environment Committees to determine whether the group wants to continue joint advocacy on its own, and/or focus on collaboration with one or both of these other networks.
- The *ad hoc* small business advocacy network was initially made up of one umbrella NGO for small and medium enterprises and one NGO whose principal mission is consumer protection. When the health network decided to focus on a charter of patients' rights and responsibilities, the consumer protection group decided to join that network instead. One volunteer from the umbrella NGO single handedly completed an impressive advocacy campaign that achieved results, both in terms of Committee action and commitment by the Ministry of Commerce and

Industry to supporting development and distribution of a user-friendly directory of assistance programs for small businesses. The umbrella NGO does not now have continued capacity to conduct effective advocacy on its own. However, the larger and more well established Malawi Confederation of Chambers of Commerce and Industry (MCCCI) has since established a unit specifically for micro and very small businesses. NDI will bring the umbrella NGO and MCCCI together to discuss pursuit of joint advocacy in the future.

Objective #3: To encourage citizen participation in the electoral process and promote free and fair elections through election monitoring (USAID IR5.1)

After having worked intensively with democracy and governance and human rights NGOs, training them for voter education and monitoring of the national elections process in 1999, NDI is pleased to confirm that these NGOs now have capacity to train trainers and carry out election-related activities for the local government elections without continuous assistance from NDI.

NDI's support for effective advocacy by these NGOs during the national elections has also born fruit. These NGOs are now spearheading a lobbying campaign against the controversial proposed amendment to the Local Government Act. NDI also brought the proposed amendment to the attention of the Civil Society Coalition for Quality Education, and the Coalition is expected to participate in the lobbying campaign.

Objective #4: To enhance women's participation in the nation's political life through programs for women voters, candidates and officials (cross-cutting)

As is the case for voter education and election monitoring, NGOs trained by NDI to train women candidates for the national elections have provided training and support for women candidates for local government without continuous assistance from NDI. Initial results of their efforts will become apparent when the roster of candidates is released. The number of women actually elected to local office will indicate longer-term results.

As explained above, the Women's Caucus and Women and Children's Affairs Committee achieved little in the way of tangible, sustainable results during this reporting period. The Committee may yet complete an advocacy campaign on registration of orphans for which they began research and mobilization after receiving training and technical assistance from NDI.

Despite limited performance by these partners during the past six months, NDI program officers opened new lines of communication between them and other organizations and agencies concerned with gender-related issues. The Department of Gender Affairs in the Ministry of Gender, Youth, and Community Services, and Women and Law in Southern Africa, will recruit representatives of the Caucus and Committee for advocacy on violence against women, and for proactive participation in passing gender-equity legislation, e.g., amendments to the Wills and Inheritance Act. The Committee and Caucus will benefit from working relationships with task forces of civic groups and government agencies that have already completed field research and developed momentum toward mobilizing broad-based support for their recommendations.

The vice chair of the Committee specifically supports inclusion of gender analysis of the budget and poverty reduction strategy in the Committee's work plan for the year. NDI has received similar commitments from other Committee chairs and vice chairs, and will facilitate inclusion of these analyses in their work plans.

PROBLEM ANALYSIS

Parliament

NDI continues to face various challenges in its work with Parliament. Most committee chairs and vice chairs are difficult or impossible to reach by phone or fax. Funds to finance committee meetings are very limited, and it has proved difficult to organize productive meetings during sittings, even though this is a cost-effective option. In addition, most members of many committees are still poorly informed about issues within their purview.

Poor support from secretaries remains a serious handicap to strengthening the committee system. For example, Christine Owre suggested that the researcher for the Budget and Finance Committee, who has a university degree in economics, work directly with the economist engaged as a consultant to the Committee and obtain on-the-job training from him. The Clerk of Parliament agreed to release her from other commitments for the duration of the consultant's contract. However, despite this commitment, she was diverted from this work by services demanded from her by other parliamentary staff.

Communications with clerks are also difficult. They have continued to be slow in responding to requests to schedule meetings, invite ministry officials, and produce minutes and final versions of terms of reference and work plans for submission to the House. NDI hopes that this situation will improve when all clerks are based in Lilongwe, supposedly by the end of October.

Despite two workshops during the past year at which Christine Owre and Annie Longley explained the scope of secretarial responsibilities and many best practices, and despite exhortations by the Clerk (their supervisor) to take NDI's advice, committee secretaries have not exerted serious efforts to do what is expected of them. Ms. Owre has also tried informal approaches to engage them in their work (e.g., giving them news clips that should be hot items for committees, telling them about government policies and reports that should be of interest to committees, etc.), with no significant results. The Clerk appears unable to motivate or manage his staff, and does not hold them accountable for their performance.

In fairness to the Clerk, he is overworked, and does not have time to adequately supervise staff, coordinate their activities, and hold them accountable for all the support they should render to committees. Delegating operational responsibility for staff management to a deputy would be one way around this problem. Parliament is recruiting for the position of Deputy Clerk, and staff supervision is listed in the job description. The Clerk is also considering establishing the position of Chief Committee Clerk.

An international accounting and management firm engaged by Parliament completed a proposed

staffing plan for Parliament during this period. This report, NDI's assessment (the foundation of NDI's proposed program for the coming two years), the UNDP assessment, and the multi-year development and operating plan and budget recommended by NDI and the UNDP assessment team, will provide the framework for dealing with these issues. Parliamentary approval of the recommendations made in these documents will also facilitate institutional commitment to systematic improvements to library and research facilities, publication of timely notices and reports, and expanded utilization of information technology equipment and programs.

As an interim measure, NDI hopes to be able to fund a significant number of committee meetings during the coming two years, and will continue to work on behalf of Parliament to raise funds for committees, and for institutional development of Parliament, from other donors.

Civil Society

NDI also faces challenges in its work with civil society. While civic organizations in most sectors made significant progress in advocacy and lobbying, problematic communications and scarce resources for coordination hampered their efforts. Integration of advocacy efforts by *ad hoc* and better established networks will facilitate engagement among civic interest groups, committees of Parliament, accountability agencies, and government ministries.

Strong interest among donors in supporting civic advocacy, and coordination among NDI, the donors, and technical consultants funded by the donors, will optimize results achieved by NDI's partners in civil society.

Gender

Challenges posed by the Women's Caucus and the Committee on Women and Children's Affairs are described in some detail in preceding sections of this report. The Caucus and Committee also suffer from weak leadership by their chairs, and poor support from secretaries has contributed to problems implementing their work plans.

Prospects for improved performance are reasonably good since other stakeholders, including civic organizations and other committees of Parliament, will likely take the lead in engaging the Caucus and Committee in joint campaigns on gender-related issues. The Human Rights Commission has scheduled a two-day meeting with the Committee to discuss women's and children's rights. The vice chair of the Committee *is* a dynamic leader with strong political skills. She has already demonstrated her commitment to moving the Committee to act, despite weak leadership by the chair.

V. FUTURE ACTIVITIES

For the remainder of the program (which now ends on March 31, 2001 under the recently approved no-cost extension), NDI will consolidate results achieved during the past two years. NDI will continue to promote constructive engagement between Parliament and civil society by working simultaneously with committees of Parliament, civic organizations, accountability agencies and, in

some instances, ministry officials.

In addition to following through on work in progress described above, highlights of principal activities to be undertaken during the remaining months of the program under this grant are as follows:

Parliament

- Training and technical assistance to consolidate a team approach to proactive support of committees by parliamentary staff.
- Training and technical assistance to the Budget and Finance Committee, and other committees that have oversight of line ministries, to initiate oversight of the budget for the coming year, consultation with government and civil society on the poverty reduction strategy, and initial steps toward gender analysis of the budget and the poverty reduction strategy.
- Technical assistance to the Legal Affairs Committee, and to other committees with sectoral interests, to initiate systematic parliamentary review of reports from accountability agencies.

Civil Society

- Technical assistance to civic advocacy networks to help them monitor and evaluate follow through on their recommendations by committees of Parliament, Parliament as a plenary body, and government ministries.
- Technical assistance to support institutionalization and integration of civic advocacy networks, identification of current priorities for advocacy and lobbying, and development of work plans for ongoing advocacy.

Gender

- Technical assistance to the Women's Caucus and the Committee on Women and Children's Affairs to facilitate engagement between them and civic groups, selected ministry officials, and other committees of Parliament with interest in gender-related issues.
- Technical assistance to the Women's Caucus for organizing and conducting a series of regional workshops with primarily rural women to provide civic education on decentralization and local government, and to encourage them to become involved in civic and political affairs. This activity will depend on success in identifying a donor to fund the workshops.

NDI will also obtain commitments from partners (contingent on continued funding for NDI) to undertake specific activities during the coming year, with training and technical and financial assistance from NDI.

Recent meetings with partners in Parliament and civil society have confirmed their interest in

holding government accountable for use of financial resources, particularly the budget, and resources to be re-allocated to poverty reduction once the government's poverty reduction strategy is approved by the IMF and the World Bank.

NDI's partners also want to ensure accountability for compliance with the rule of law, by lobbying for and passing legislation to ensure social, economic, civil and political rights guaranteed by the Constitution; making effective demands for enforcement of existing statutes; and supporting the work of watchdog accountability agencies.

Semiannual Report

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